



**Board of Commissioners of Cook County
Minutes of the Legislation and Intergovernmental Relations Committee**

9:00 AM

Wednesday, January 17, 2018

**Cook County Building, Board Room
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Suffredin, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider and Silvestri (11)

Absent: Fritchey, Arroyo, Butler, Moore, Sims and Tobolski (6)

PUBLIC TESTIMONY

Chairman Suffredin asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code.

1. Mark Armstrong - Chicago Urban Fine Arts Commonwealth

18-1653

COMMITTEE MINUTES

Approval of the minutes from the meeting of 12/13/2017

A motion was made by Commissioner Daley, seconded by Commissioner Morrison, to approve 18-1653. The motion carried by the following vote:

Ayes: Suffredin, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider and Silvestri (11)

Absent: Fritchey, Arroyo, Butler, Moore, Sims and Tobolski (6)

PROPOSED ORDINANCE

AN ORDINANCE CREATING THE COMMITTEE ON DEPARTMENT ADMINISTRATIVE RULES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article III - County Board, Division 1 - Generally, Section 2-84 - Review of Administrative Rules is hereby enacted as follows:

Sec. 2-84. - Review of Department Administrative Rules

(a) *Establishment and Purpose*: The Committee on Department Administrative Rules (for purposes of this Section, "the Committee") is hereby established. The purpose of the Committee shall be the creation and promotion of adequate and proper rules by Cook County Departments.

(b) *Applicability*. All Rules drafted, published and/or implemented by any Department shall be reviewed in accordance with this Section. For purposes of this Section, the term *Rule* is defined as a Department's statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include:

- (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the Department,
- (ii) informal advisory rulings;
- (iii) intra-agency memoranda; or
- (iv) the prescription of standardized forms.

(c) *Powers*: The Committee may:

1. Examine any proposed rule, amendment to a rule, and repeal of a rule to determine whether the proposed rule, amendment to a rule, or repeal of a rule is within the statutory authority upon which it is based; whether the rule, amendment to a rule, or repeal of a rule is in proper form; and whether the notice was given before its adoption, amendment, or repeal and was sufficient to give adequate notice of the purpose and effect of the rule, amendment, or repeal.
2. Consider whether the Department has considered alternatives to the rule that are consistent with the stated objectives of both the applicable statutes and regulations and whether the rule is designed to minimize economic impact on small businesses.
3. Conduct hearings on proposed and/or existing Rules;

4. Receive and review oral or written testimony from Department employees or public witnesses pertaining to Proposed or Existing Rules;
5. Undertake studies and investigations concerning rulemaking and Department Rules;
6. Monitor and investigate Department's compliance with the provisions of this Act;
7. Make periodic investigations of the rulemaking activities of all Departments;
8. Evaluate and report on all rules in terms of their propriety, legal adequacy, relation to statutory authorization, economic and budgetary effects, and public policy;
9. Request from any Department an analysis of the effect of a new rule, amendment or repealer, including and direct economic effect on the persons regulated by the rule; any anticipated effect on the proposing Department's budget and the budgets of other Departments; the Department's justification and rationale for the intended rule, amendment or repealer; and/or any anticipated effects on County Revenues;
10. Review the statutory authority on which any administrative rule is based;
11. Suggest rulemaking by a Department if the Department's rules are incomplete, inconsistent or otherwise deficient.

(d) *Notice and Publication:* Upon issuing a Rule, a Department shall submit the proposed Rule to the Board of Commissioners, who shall send the Rule to the Committee. The Committee shall schedule a public hearing on the Rule before the next regularly scheduled meeting of the Board of Commissioners. The Secretary shall publish Notice of both meetings distribute the proposed Rule per established procedures.

Each agency shall make available for public inspection all final orders, decisions, and opinions, except those deemed confidential by State or federal statute and any trade secrets.

(e) *Comments:* The Committee will encourage members of the public to submit comments on proposed rules directly to the proposing Department. This policy will not limit the Committee from considering comments or problems not submitted to the Department first.

(f) *Committee Action:* After conducting a public hearing on a proposed Rule, the Committee may accept the proposed Rule as written, reject the Rule entirely, or object and modify the proposed Rule.

1. Acceptance - If the Committee accepts the Rule, the Rule shall go into effect 30 days after acceptance.

2. Rejection/Objection - If the Committee rejects or objects to a proposed rule, amendment to a rule, or repeal of a rule, it shall certify the fact to the issuing Department and include with the certification a statement of its specific objections.

The Department may:

- i. Modify the proposed rule, amendment or repealer to meet the Committee's objections;
- ii. Withdraw the proposed rule, amendment or repealer in its entirety; or
- iii. Refuse to modify or withdraw the proposed rule, amendment, or repealer

1. Modification - If a Department elects to modify a proposed rule, amendment or repealer to meet the Committee's objections, it shall make those modifications that are necessary to meet the objections and then resubmit the rule, amendment or repealer to the Committee within 30 days of the public hearing. Failure of a Department to respond to the Committee's objections to a proposed rule, amendment, or repealer within 30 days shall constitute withdrawal of the proposed rule, amendment, or repealer in its entirety.

If the Committee determines that the modifications do not remedy the Committee's objections, it shall notify the Department in writing and shall recommend legislative action to remedy the objection.

2. Failure to Object - Failure of the Committee to object to any proposed rule, amendment, or repealer or any existing rule shall not be construed as implying direct or indirect approval of the rule or proposed rule, amendment, or repealer.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article III - County Board, Division 1 - Generally, Section 2-84 - Review of Administrative Rules is hereby amended as follows:

Sec. 2-106. - Committees.

(n) *Standing committees.* The standing committees, the standing subcommittees and the number of members to be appointed to each (including Chair and Vice-Chair, but excluding ex officio members) are as follows:

(1) Department Administrative Rules, five members.

~~(1)~~ (2) Audit, seven members. (The County Auditor and Chief Financial Officer are ex officio, nonvoting members of the Audit Committee.)

~~(2)~~ (3) Asset Management, nine members.

~~(3)~~ (4) Business and Economic Development, nine members.

~~(4)~~(5) Contract Compliance, nine members.

~~(5)~~(6) Criminal Justice, Committee of the Whole.

~~(6)~~(7) Environmental Control, seven members.

~~(7)~~(8) Finance, Committee of the Whole, with the following subcommittees with the number of members indicated:

a. Litigation, seven members.

b. Tax Delinquency, five members.

c. Workers' Compensation, five members.

~~(7)~~(8) Health and Hospitals, Committee of the Whole.

~~(8)~~(9) Homeland Security and Emergency Management, Committee of the Whole.

~~(9)~~(10) Human Relations, seven members.

~~(10)~~(11) Labor, nine members.

~~(11)~~(12) Law Enforcement, seven members.

~~(12)~~(13) Legislation and Intergovernmental Relations, Committee of the Whole.

~~(13)~~(14) Pension, seven members.

~~(14)~~(15) Roads and Bridges, Committee of the Whole.

~~(15)~~(16) Rules and Administration, nine members.

~~(16)~~(17) Technology and Innovation, nine members.

~~(17)~~(18) Veterans, seven members.

~~(18)~~(19) Workforce, Housing and Community Development, five members.

~~(19)~~(20) Zoning and Building, Committee of the Whole.

Effective date: This ordinance shall be in effect immediately upon adoption.

A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to accept as substituted 17-5210. The motion carried by the following vote:

Ayes: Suffredin, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider and Silvestri (11)

Absent: Fritchey, Arroyo, Butler, Moore, Sims and Tobolski (6)

17-5210

Sponsored by: LARRY SUFFREDIN, Cook County Board of Commissioners

PROPOSED ORDINANCE

AN ORDINANCE AMENDING THE ISSUANCE OF REGULATIONS BY COUNTY DEPARTMENTS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 1 – GENERAL PROVISIONS, Section 1-9 – Regulations issued by County departments is hereby amended as follows:

Sec. 1-9. – Rules and Regulations issued by County departments, agencies, and offices impacting the public at-large.

(a) Public facing Rules and Regulations issued to implement ordinances and resolutions enacted by the Cook County Board of Commissioners, as defined in Sec. 1-3 of Chapter 1 of this Code and issued by County departments, agencies and offices in accordance with this Code shall be transmitted to the Chair of the Cook County Rules Committee and posted on the County department, agency or offices web page at www.cookcountyil.gov at least County Clerk 10 days 30 days prior to taking effect, with the exception of emergency Rules and Regulations which shall be transmitted to the Chair of the Cook County Rules Committee Clerk—and posted on the applicable department, agency or office web page at the time of issuance. Public facing Rules and Regulations issued by County departments, agencies and offices in accordance with this Code shall be placed on the County Board Agenda by the issuing department, agency or office and referred to the Rules Committee where said Rules and Regulations will be received and filed, unless the Rules Committee has suggested modifications. Should the Rules Committee have suggested modifications, the Rules Committee shall confer with the issuing department, agency or office prior to making any suggested amendments. County departments, agencies and offices will be charged with maintaining a hard copy of its respective Rules and Regulations for public review and shall place a copy of said Rules and Regulations and any amended Rules and Regulations on their respective web page at www.cookcountyil.gov. Regulations shall be maintained by the Clerk and by the issuing department.

(b) The requirements provided in Sec. 1-9 (a) shall not apply to:

(1) Rules or Regulations that concern only the internal management of a department, agency, office, process, procedure or function and do not affect the private rights or procedures available to the public;

(2) employee matters/employee personnel rules;

(3) informal advisory rulings;

(4) intra-agency memoranda;

(5) enforcement notices and orders;

(6) quasi-judicial proceedings; or

(7) the prescription of standardized forms.

(c) A failure to comply in whole or in part with the requirements of Sec. 1-9(a) shall not be grounds for a challenge to a Rule or Regulation's validity by a person governed by such Rule or Regulation.

Effective date: This Ordinance Amendment shall be in effect immediately upon adoption.

A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to recommend for approval as substituted 17-5210. The motion carried by the following vote:

Ayes: Suffredin, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider and Silvestri (11)

Absent: Fritchey, Arroyo, Butler, Moore, Sims and Tobolski (6)

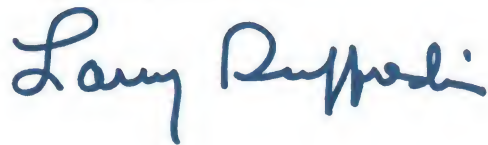
ADJOURNMENT

A motion was made by Commissioner Silvestri, seconded by Commissioner Deer, to adjourn the meeting. The motion carried by the following vote:

Ayes: Suffredin, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider and Silvestri (11)

Absent: Fritchey, Arroyo, Butler, Moore, Sims and Tobolski (6)

Respectfully submitted,



Chairman



Secretary

A video recording of this meeting is available at <https://cook-county.legistar.com>.